

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6528**

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TOMMY LEE HARRIS, JR.,

Plaintiff - Appellant,

versus

JAMES DAVIS, Judge of the Laurens Municipal  
Court; LIEUTENANT LYNCH; SERGEANT NELSON;  
W. L. BENTLEY,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. Terry L. Wooten, District Judge.  
(CA-05-666-3-TLW)

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Submitted: September 23, 2005

Decided: November 8, 2005

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Before LUTTIG, KING, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Tommy Lee Harris, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Tommy Lee Harris, Jr., seeks to appeal the district court's order adopting the magistrate judge's recommendation and dismissing Harris' 42 U.S.C. § 1983 (2000) complaint. The district court referred the case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Harris that failure to file timely, specific objections to the recommendation would waive appellate review of a district court order based upon the recommendation. Despite this warning, and an extension of time to file objections, Harris failed to specifically object to the magistrate judge's recommendations. The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985).

Harris has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we dismiss the appeal. Harris' motion for appointment of counsel is denied. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED